

REMARKS

In the outstanding Official Action, the Examiner rejected claims 3-28 and 34-43 under Section 112, second paragraph. Further, the Examiner rejected claims 3-28 and 34-43 under Section 102(e) over James H. Greene's Production and Inventory Control Handbook (hereinafter referred to as "Greene") in view of Donald W. Dobler *et al.*'s Purchasing and Supply Management, Text & Cases (hereinafter referred to as "Dobler"). Moreover, the Examiner has rejected claims 3-28 and 34-43 under Section 103 as being unpatentable over Greene in view of Dobler and U.S. Patent No. 6,023,683 to Johnson *et al.*

Applicants' U.S. representative, Safet Metjahic, called and spoke to Alexander Kalinowski on September 15, 2006 to request a new Official Action. Mr. Metjahic pointed out that the outstanding Official Action was clearly erroneous because the Section 102(e) rejection was based on the combined teachings of two text books, Greene, which is 1,157 pages long, and Dobler, which is 806 pages long. Mr. Metjahic pointed out that the Section 102(e) rejection was overtly erroneous for at least two reasons. First, Section 102(e) only applies to U.S. patents and U.S. patent application publications. Second, Section 102(e) generally requires that all of the recited elements be found in a single reference, whereas here, a combination of two textbooks was used in the grounds for rejection. Moreover, the Examiner has not indicated on which portions of the nearly two thousand pages of the reference material (Greene and Dobler combined) the Examiner relies.

Mr. Kalinowski stated that a new Examiner would be assigned to the application and that a new Official Action will be issued after September 30, 2006. The Office

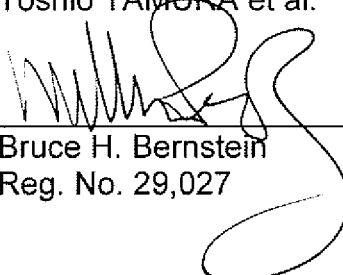
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mailed a telephone interview Summary on October 13, 2006 stating that a new Office action would be forthcoming and that no further action was necessary on the part of Applicants. Examiner Michael A. Cuff was subsequently assigned to the instant application.

Mr. Metjahic called and spoke to Examiner Cuff during the week of October 1, 2006 and again on October 10, 2006. Examiner Cuff informed the Applicants' representative that a new Office action is forthcoming. Examiner Cuff stated that he will withdraw the outstanding August 14, 2006 Official Action and mail a new, non-final Official Action on the merits. However, to date no such action has been issued.

Should the Examiner have any questions or comments regarding this amendment, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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November 2, 2006
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